



# PUBLIC NOTICE

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## CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU DISMISSES NINE PETITIONS FOR PREEMPTION OF STATE CONSUMER PROTECTION REQUIREMENTS

### CG Docket No. 02-278

To efficiently resolve issues that are no longer contested, the Consumer and Governmental Affairs Bureau (Bureau) announces through this Public Notice the dismissal of nine petitions for preemption of state consumer protection requirements.

On September 23, 2020, the Bureau released a *Public Notice* providing petitioners notice of, and an opportunity to object to, the Bureau's plan to dismiss with prejudice ten pending petitions for preemption of state consumer protection requirements.<sup>1</sup> No entities had filed comments or *ex parte* submissions regarding any of the ten petitions for several years.<sup>2</sup>

The Bureau received no objections to the dismissal of the nine petitions identified in the chart below. In the absence of any objections and in light of both federal and state regulatory changes that have occurred since those petitions were filed, we continue to believe that the relief sought in these nine petitions is moot or otherwise no longer relevant,<sup>3</sup> and we therefore dismiss those petitions with prejudice.

Petitioner	Petition	Date Filed
Direct Marketing Association	Petition for Reconsideration of <i>Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991</i> , CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14014 (2003).	8/25/2003
American Teleservices Association, Inc.	Petition for Declaratory Ruling with Respect to Certain Provisions of the New Jersey Consumer Fraud Act and the New Jersey Administrative Code, CG Docket No. 02-278.	8/24/2004
FreeEats.com Inc. (d/b/a ccAdvertising)	Petition for Expedited Declaratory Ruling, CG Docket No. 02-278.	9/13/2004
Consumer Bankers Association (Indiana)	Petition for Expedited Declaratory Ruling with Respect to Certain Provisions of the Indiana Revised Statutes and Indiana Administrative Code, CG Docket No. 02-278.	11/19/2004

<sup>1</sup> *Consumer and Governmental Affairs Bureau Seeks to Determine Parties' Continuing Interest in Specific Petitions for Preemption of State Consumer Protection Requirements*, CG Docket No. 02-278, Public Notice, 35 FCC Rcd 10441 (CGB 2020) (*Public Notice*).

<sup>2</sup> *See id.*

<sup>3</sup> *See id.*

<b>Petitioner</b>	<b>Petition</b>	<b>Date Filed</b>
Consumer Bankers Association (Wisconsin)	Petition for Declaratory Ruling with Respect to Certain Provisions of the Wisconsin Statutes and Wisconsin Administrative Code, CG Docket No. 02-278.	11/19/2004
National City Mortgage Co.	Petition for Expedited Declaratory Ruling with Respect to Certain Provisions of the Florida Statutes, CG Docket No. 02-278.	11/22/2004
TSA Stores, Inc.	Petition for Declaratory Ruling with Respect to Certain Provisions of the Florida laws and regulations, CG Docket No. 02-278.	2/1/2005
33 Allied Petitioners	Petition for Declaratory Ruling that the FCC has Exclusive Regulatory Jurisdiction Over Interstate Telemarketing, CG Docket No. 02-278.	4/29/2005
The Fax Ban Coalition	Petition For Declaratory Ruling Of The Fax Ban Coalition, CG Docket No. 02-278.	11/7/2005

In light of an objection that we received from Mark Boling to the dismissal of his petition for declaratory ruling,<sup>4</sup> we decline to dismiss Mark Boling's petition at this time.

For further information, please contact Kristi Thornton of the Consumer and Governmental Affairs Bureau at [Kristi.Thornton@fcc.gov](mailto:Kristi.Thornton@fcc.gov).

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<sup>4</sup> Letter from Mark Boling, Objection to Dismissal of Petition for Declaratory Ruling, CG Docket No. 02-278 (filed Sept. 25, 2020).